

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

VICTOR MANUEL ORTIZ-VEGA,

Petitioner,

v.

JANET NAPOLITANO, Secretary of the
Department of Homeland Security; ERIC
HOLDER, Attorney General of the United
States; A. NEIL CLARK, Field Office Director,
U.S. Immigration and Customs Enforcement,

Respondents.

Case No. C10-435-MJP-JPD


**REPORT AND
RECOMMENDATION**

On March 15, 2010, petitioner, proceeding through counsel, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement. (Dkt. No. 1.) On June 4, 2010, however, the parties filed a Stipulated Motion for Order of Dismissal, which indicates that petitioner has been released from immigration custody pursuant to a posting of bond imposed by an Immigration Judge. (Dkt. No. 11.) The parties agree that this matter has become moot and may be dismissed without prejudice and without award of costs to either party. *Id.*

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).

1 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer
2 detained by ICE, the Court finds that petitioner’s habeas petition is moot and should be
3 dismissed without prejudice and without award of costs to either party. *See, e.g., Cooney v.*
4 *Edwards*, 971 F.2d 345, 346 (9th Cir. 1992)(holding that the District Court properly dismissed
5 plaintiff’s claims that had become either moot or unripe). A proposed Order accompanies this
6 Report and Recommendation.

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8 DATED this 7th day of June, 2010.

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10 JAMES P. DONOHUE
11 United States Magistrate Judge
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